



Translation

PCT

10/508,911

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BET 03I0083	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2003/001262	International filing date (day/month/year) 18 avril 2003 (18.04.2003)	Priority date (day/month/year) 22 avril 2002 (22.04.2002)
International Patent Classification (IPC) or national classification and IPC B65D 51/14		
Applicant TETRA LAVAL HOLDINGS & FINANCE S.A. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 10 novembre 2003 (10.11.2003)	Date of completion of this report 02 February 2004 (02.02.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2003/001262

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☒ the international application as originally filed.
- ☒ the description, pages 1-10, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.
- ☒ the claims, Nos. 1-10, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/3-3/3, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

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International application No.

PCT/FR 03/01262

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: CH 556 274 A (OBRIST ALBERT & CO)
29 November 1974 (1974-11-29)

2.1 For the assessment of inventive step, the term "ring" has been taken to mean "a ring in the closure device" and the phrase "an edge of said ring" to mean "an upper edge of said ring". These interpretations make the claims clearer and can be derived in an obvious manner from the application (cf. page 5, lines 29 to 31, and figures).

2.2 D1 describes (cf. figure 3) a closure device from which the device as per the subject matter of claim 1 differs in that in the closure device is a ring provided with at least one projection that extends from an upper edge of the ring, substantially in an axial direction.

The combination of features in claim 1 does not appear in the prior art and cannot be derived therefrom in an obvious manner. Therefore claim 1 satisfies PCT Article 33 since its subject matter

meets the novelty, inventive step and industrial applicability requirements.

2.3 Claims 2 to 4 are dependent on claim 1 and hence likewise meet the requirements of PCT Article 33.

2.4 The receptacle as per claim 5 is provided with a closure device as per claim 1. Therefore claim 5 likewise satisfies PCT Article 33 since its subject matter meets the novelty, inventive step and industrial applicability requirements.

2.5 Claim 6 describes a method of producing a closure device, wherein a ring is produced and provided with at least one projection that extends from an upper edge of said ring, substantially in an axial direction. A method such as this does not appear in the prior art and cannot be derived therefrom in an obvious manner. Therefore claim 6 satisfies PCT Article 33 since its subject matter meets the novelty, inventive step and industrial applicability requirements.

2.6 Claims 7 to 10 are dependent on claim 6 and hence likewise meet the requirements of PCT Article 33.